

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S

S E P T E M B E R 1, 2 0 0 5

A study session examining the scope of the Sports Park project was convened at 12:00 noon in the City Council Chamber.

The regular meeting of the City Planning Commission and public hearing reconvened at 1:40pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Matthew Jenkins, Charles Winn,
Nick Sramek, Leslie Gentile
Mitchell Rouse

ABSENT: EXCUSED: Charles Greenberg, Morton Stuhlbarg

ACTING CHAIRMAN: Matthew Jenkins

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning
Lynette Ferenczy, Planner
Jayme Mekis, Planner
Ira Brown, Planner
Monica Mendoza, Planner

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Christine Anderson, Public Works
Director
Jan Ostashay, Historic Preservation
Officer
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

The pledge of allegiance was led by Commissioner Winn.

S W E A R I N G O F W I T N E S S E S

M I N U T E S

The minutes of July 7, 2005 were approved on a motion by Commissioner Winn, seconded by Commissioner Sramek and passed 3-0-2, with Commissioners Gentile and Sramek abstaining. Commissioners Greenberg and Stuhlbarg were absent.

The minutes of August 4, 2005 were approved on a motion by Commissioner Winn, seconded by Commissioner Sramek and passed 5-0. Commissioners Greenberg and Stuhlbarg were absent.

The minutes of August 21, 2005 were approved on a motion by Commissioner Winn, seconded by Commissioner Sramek and passed 3-0-2, with Commissioners Rouse and Jenkins abstaining. Commissioners Greenberg and Stuhlbarg were absent.

C O N S E N T C A L E N D A R

Commissioner Winn moved to accept the staff recommendation on all items of the Consent Calendar. Commissioner Sramek seconded the motion, which passed 5-0. Commissioners Greenberg and Stuhlbarg were absent.

1A. Case No. 0506-10, Certificate of Appropriateness

Applicant: David Hayden
Subject Site: 349 Carroll Park East (Council District 2)
Description: Hearing to consider an appeal of the Cultural Heritage Commission's decision to conditionally approve a Certificate of Appropriateness for exterior alterations to 349 Carroll Park East, a home within the Carroll Park Historic District.

Continued to the September 15, 2005 meeting.

1B. Case No. 0506-27, Conditional Use Permit, CE 05-119

Applicant: Michael Pauls Associates for Moshen Ghafoorzadeh
Subject Site: 2630 E. Spring Street (Council District 5)
Description: Conditional Use Permit request to allow the sales and leasing of previously owned automobiles in the General Industrial Zone District.

Approved Conditional Use Permit, subject to conditions.

1C. Case No. 0505-04, CE 05-75

Applicant: Kadee Della Donna
Subject Site: 1775 Freeman Avenue (Council District 4)
Description: Request for approval of Tentative Tract Map No. 063028 to allow the conversion of an eight-unit apartment building into condominiums.

Continued to the September 15, 2005 meeting.

1D. Case No. 0507-02, Conditional Use Permit, CE 05-126

Applicant: Joel Hyman
Subject Site: 2626 & 2628 South Street (Council Dist. 8)
Description: Request to expand a neighborhood market with existing sales of beer and wine.

Approved Conditional Use Permit, subject to revised conditions.

1E. Case No. 0505-25, Conditional Use Permit, CE 05-91

Applicant: BM Lindsey, Inc.
Subject Site: 5936 Orange Avenue (Council District 9)
Description: Request for a Conditional Use Permit to re-establish a non-conforming coin-operated laundry.

Approved Conditional Use Permit, subject to conditions.

R E G U L A R A G E N D A

2. Case No. 0505-39, Administrative Use Permit, CE 05-140

Applicant: Goodwill Industries c/o Michael Pauls
Appellants: Marcia Gordon & Karla Ives
Subject Site: 8155 E. Wardlow Rd. (Council District 5)
Description: Hearing to consider an appeal of the Zoning Administrator's decision to approve an Administrative Use Permit to establish a thrift store in the El Dorado Shopping Center.

Lynette Ferenczy presented the staff report recommending denial of the appeal since positive findings could be made to approve the request, which was not expected to cause adverse impacts to the community.

Marcia Gordon, 3565 Cortner Avenue, appellant, objected to the establishment of a thrift store at the location due to concerns

about crime and property maintenance based on observation of a similar Goodwill facility nearby, and asked that even if her request was denied, the donation collection aspect be removed from the permit.

Michael Pauls, 203 Argonne Avenue #14, applicant representative, outlined Goodwill's outreach efforts and community meetings on the issue, and said they felt the conditions of approval would mitigate maintenance and security concerns expressed by the appellant.

In response to a query from Acting Chairman Jenkins, Mr. Pauls explained that a security guard would be at the site from 3:00 to 9:00pm six days a week; that the west gates were locked at all times, and that they would lock the east gates at 9:15pm to prevent overnight access to the rear of the center.

Julie Dover, 800 W. Pacific Coast Hwy., Director of Community Operations, Goodwill, noted that their charity operation was entirely funded by the retail stores so they were vigilant on issues of security and loitering.

In response to a query from Commissioner Rouse regarding resident complaints about nighttime activity, Ms. Dover said that her staff drove by all sites at night to remove any after-hours drop-offs and that graffiti was a rare problem dealt with immediately.

Ted Horn, P. O. Box 196, Los Alamitos, Goodwill Industries Board of Trustees member, added that they did not anticipate after-hours donations since the gates would be locked and there would be signs discouraging the practice.

Ronald Casriel, 4056 Rousseau Lane, Palos Verdes, Goodwill Industries Treasurer, reiterated that their retail operation supports charitable programs.

Brad Ward, 1855 Pacific Avenue, Goodwill Industries executive, said he felt the company was always responsive to community concerns.

Janet Nguyen, One World Trade Center #206, Long Beach Chamber of Commerce, Government Affairs, affirmed that her group supported the applicant's request.

Janet McCarthy, 6207 Lavender Way, President/CEO Goodwill Industries, Long Beach, offered her business card to concerned

area residents and promised immediate action on any problems arising from the operation.

Marcia Gordon, appellant, expressed her support of Goodwill Industries and its endeavors, and said she just felt her neighborhood was too fragile to handle any loitering or theft problems that might be created by after-hours donations.

Commissioner Winn said he felt the conditions of approval would mitigate these concerns, and he moved to deny the appeal and uphold the decision of the Zoning Administrator to approve an Administrative Use Permit to establish a thrift store.
Commissioner Sramek seconded the motion, which passed 5-0. Commissioners Greenberg and Stuhlbarg were absent.

3. Case No. 0504-09, Standards Variance, CE 05-66

Applicant: Donald R. Evens
Appellant: Thanh Quan
Subject Site: 1191 E. Arcadia Court (Council District 6)
Description: Appeal of the Zoning Administrator's decision to approve a Standards Variance for a new two-story dwelling with a front yard setback of 10'6" (instead of not less than 20 feet) and a rear yard setback of 5' (instead of not less than 15' for the second floor).

Monica Mendoza presented the staff report recommending denial of the appeal since the subject site was physically unique and the new development would be consistent in character with the surrounding homes, while positive findings could be made to support the variance request.

Troy Gant, 114 Miramar #C, applicant representative, presented photos of the site, stating there was a dispute regarding the size of the easement and the appellant felt the addition of the dwelling would negatively affect the area's density and his property value.

Zoning Officer Carolynne Bihn stated that the size of the lot agreed with City records, with the easement clearly identified on the plans reviewed.

Greg Carpenter added that the church on the other side had also claimed they had a private easement over the subject property which staff cannot enforce, since it would be a private agreement between the two owners.

Commissioner Rouse noted that the property owner had a right to develop the lot, which would hardly add to parking congestion, since it was only a single-family home.

Commissioner Winn pointed out that the appellant appeared to be parking on the vacant subject lot, which could negatively affect the value of his own property.

Don Evans, 18218 Bathurst Street, Northridge, property owner, stated he had title insurance on the property with no recorded easements as claimed by the church, adding that his building would be an improvement to the community, increasing property values without increasing parking or resident densities.

Reuben R. English, pastor, New Hope Baptist Church, 1160 E. New York Street, stated that his church had placed a fence on the lot a year ago in an agreement with Mr. Quan to give them more parking spaces.

Floyd Gaugh, 185 Quincy, real estate agent, presented a diagram showing the easement between the lot and the church, noting that the home would be close enough to the appellant's property to create a perception that it would negatively affect his property value.

Applicant Don Evans pointed out that there was a large apartment building next to his property so he did not feel the house would be too large.

Commissioner Winn agreed with staff's contention that the house would improve neighborhood values over the vacant lot it now was, and he moved to deny the appeal and uphold the Zoning Administrator's decision to grant the Standards Variance, subject to the revised plans and conditions of approval. Commissioner Rouse seconded the motion, which passed 5-0. Commissioners Greenberg and Stuhlbarg were absent.

4. Case No. CIP-06

Applicant: City of Long Beach
Subject Site: Citywide
Description: Finding of conformity with the General Plan for the proposed fiscal year 2006 Capital Improvement Program.

Ira Brown presented the staff report recommending that the proposed projects be found in conformity with the General Plan,

and that any project for which a final site has not yet been selected or for which specifics have not been developed be returned to the Planning Commission for review.

Christine Anderson, Director of Public Works, explained the repair aspects of the Capital Improvement Program. In response to a query from Commissioner Winn regarding the inclusion of \$54 million for parks acquisition, she explained that these were considered to be long-term capital improvements.

Commissioner Sramek commented that he hoped the City improved its financial situation to address street rehabilitation and community development.

Commissioner Sramek moved to find the proposed projects listed in the Proposed Fiscal Year 2006 Capital Improvement Program in conformity with the General Plan, and to report that any project to which a final site has not yet been selected or project specifics have not been developed should be returned to the Planning Commission for review and to report these findings to the City Council.

Commissioner Gentile seconded the motion, which passed 5-0. Commissioners Greenberg and Stuhlbarg were absent.

5. Case No. 0505-13, Standards Variance, Local Coastal Development Permit, CE 05-85

Applicants: Steven & Patricia Zieg c/o Ed Gulian
Appellant: Alamitos Bay Beach Preservation Group
c/o Kelly Asper
Subject Site: 16-55th Place (Council District 3)
Description: Appeal of the Zoning Administrator's decision to approve a Local Coastal Development Permit and Standards Variance requests to enclose a second story balcony, with a front yard setback of 0 feet (instead of not less than 3 feet).

Carolyn Bihn presented the staff report recommending denial of the appeal since the subject dwelling has an existing zero setback on the first story; because the two neighboring properties have similar enclosed balconies, and since positive findings that can be made to support the requests. Ms. Bihn added that the applicant enjoyed the support of their immediate neighbors.

Ed Gulian, 5855 E. Naples Plaza, #212, representing applicants Steve and Patricia Zieg, mentioned other similar requests and projects in the neighborhood.

Ms. Bihn read into the record a letter from appellant Kelly Asper, President, Alamitos Bay Preservation Group, opposing the applicant's request on behalf of their members, who had expressed opposition to any front yard variances in the area for any reason, but with no case-specific reasons mentioned.

Patricia Zieg, 16-55th Place, applicant, said she needed the very small extra space created by enclosing the balcony to protect her children from the wind and give them an extra space to play.

Commissioner Sramek said he thought the request fit the neighborhood, and moved to deny the appeal and uphold the Zoning Administrator's decision to approve the Local Development Permit and variance requests.

Commissioner Rouse agreed that wind was a big problem in the area and prevented some residents from enjoying the outside of their properties.

Commissioner Rouse seconded the motion.

Commissioner Winn added that he supported the motion because the first floor of the property was already at the property line, and he questioned why that had been allowed in the first place.

The question was called and the motion passed 5-0.
Commissioners Greenberg and Stuhlbarg were absent.

6. Case No. 0508-12, Certificate of Appropriateness

Appellant: Ruben Valdez
Subject Site: 1183 N. Loma Vista Drive
Description: Appeal of the Cultural Heritage Commission's decision to deny the Certificate of Appropriateness for exterior alterations to a four-unit apartment, within the Drake Park Willmore Historic District.

Monica Mendoza presented the staff report outlining the scope of the work already done by the appellant in good faith after being issued a permit by City staff. Staff's recommendation to deny his appeal and uphold the Cultural Heritage Commission's decision to deny the Certificate of Appropriateness for exterior

alterations was due to the request not being consistent with the Secretary of Interior standards.

Reuben Valdez, 1183 N. Loma Vista Drive, applicant, spoke through translator Bianca Romana, saying that he would not fight the Commission's decision, but wanted reimbursement for his costs to date. Mr. Valdez also presented a petition in support of his project, signed by his neighbors.

Deputy City Attorney Mike Mais noted that Mr. Valdez would have to go through a formal reimbursement claims process against the City, at which point the City Attorney would investigate to see if the appellant knew he was in an historical district in the first place.

In response to a query from Commissioner Gentile, Mr. Carpenter explained that the appellant had already applied the wire lath but had not yet changed out the windows.

Bonnie Lowenthal, 1st District Councilwoman and Willmore City Historic District resident, said it was crucial to keep as many structures as originally intact as possible to maintain the historic districts. Ms. Lowenthal expressed appreciation for the understanding of the appellant and said she felt he should get his costs back.

Commissioner Winn asked Councilwoman Lowenthal to assist the appellant in seeking reimbursement.

Commissioner Winn moved to deny the appeal and uphold the Cultural Heritage Commission's decision to deny the Certificate of Appropriateness for exterior alterations to a four-unit apartment.

Commissioner Gentile seconded the motion. Ms. Gentile added that she felt in this instance that the correct action would be to restore the house to its original condition.

The question was called and the motion passed 5-0.
Commissioners Greenberg and Stuhlbarg were absent.

7. Case No. 0505-34, Reasonable Accommodation

Appellants: Richard and Marilyn Peter
Subject Site: 4126 Linden Avenue
Description: Appeal of the Zoning Administrator's decision to deny a Reasonable Accommodation request to

maintain a driveway from Linden Avenue leading to the front yard.

Jayne Mekis presented the staff report recommending denial of the request since adequate access to the housing was available through the rear alley.

In response to a query from Commissioner Sramek, Ms. Bihn explained that due to a possible staff oversight, the permits had been finalized.

Pat Brown, 5390 E. 8th Street, presented photos showing similar situations existing in the neighborhood plus a letter from the appellant's doctor stating his medical condition required easy access to his home. Mr. Brown also claimed that the rear driveway access was often blocked by commercial traffic, and that if the front driveway was upgraded it would improve the house and neighborhood. Mr. Brown suggested that the request be approved, and a deed restriction added to require compliance with curb cut regulations prior to the transfer or sale of the property.

Richard Peter 4126 Linden Avenue, appellant, in response to a query from Commissioner Winn as to why the driveway had been upgraded instead of removed as originally required, stated that he wanted to be able to use it while he lived there, and he would make sure it was removed after his death.

Commissioner Rouse expressed concern about the appellant's history of non-compliance with previous conditions of approval. Mr. Mais noted that this history could not be taken into consideration in a Reasonable Accommodation request, but that a deed restriction could be recorded against the property to require that the curb cut be filled in and the driveway removed before the sale and/or transfer of the property in the future.

Commissioner Rouse moved to uphold the appeal and overturn the decision of the Zoning Administrator, and to add a deed restriction to the property as outlined by the City Attorney.

Commissioner Gentile agreed that it was a fair solution, and that the deed restriction should also include the possibility of a change of residence, which Mr. Mais noted would be difficult to enforce, but conditions could be added for periodic review of the situation.

Commissioner Gentile seconded the motion, which passed 4-1, with

Commissioner Sramek dissenting. Commissioners Greenberg and Stuhlbarg were absent.

8. Case No. 0409-20, Lot Merger, Site Plan Review, ND 06-05

Applicant: Sarbpaul Bhala c/o Tom Baty of Gensler
Subject Site: 3140 Long Beach Blvd. (Council District 7)
Description: Request for approval of a Site Plan Review and Lot Merger to construct a four-story medical office building with 12,078 square feet of medical offices above two levels of parking.

Commissioner Gentile announced she had a conflict of interest on the item and would recuse herself from voting.

Lynette Ferenczy presented the staff report recommending approval of the requests since the proposed project made use of a long-vacant lot and complied with development standards while successfully addressing challenges posed by the unique lot shape and size.

Kap Malik, 19 Betrina, Irvine, applicant representative, noted that the building would upgrade the entire area of Long Beach Boulevard.

Ray Polk, 7th District Council office, said the Council office and residents felt it was a great project for the area, and added that they would appreciate the area being fenced off during construction.

Acting Chairman Jenkins expressed hope that this project would attract other upscale assets to the area.

Commissioner Sramek moved to review and certify the Mitigated Negative Declaration No. 06-05 and to approve the Site Plan Review and Lot Merger, subject to conditions.

Commissioner Rouse seconded the motion, which passed 4-0. Commissioner Gentile had recused herself from voting, and Commissioners Greenberg and Stuhlbarg were absent.

9. Case No. 0411-20, Zoning Ordinance Amendment, CE 04-245

Applicant: City of Long Beach, c/o Suzanne Frick,
Director of Planning and Building
Subject Site: Area D of the Coastal Zone (Belmont Shore)
and Parking Impacted Areas (Council Dist. 3)
Description: Proposed amendments to the Zoning Ordinance
regarding maintenance of nonconforming parking rights for
commercial uses in Area D of the Coastal Zone, and
regulations governing nonconforming driveways.

Carolynne Bihn presented the staff report recommending that the Commission recommend to City Council that these two amendments be adopted to deal with nonconforming parking rights and driveways.

Commissioner Rouse observed that the amendment would take pressure off street parking

Mercedes McLemore, Community Planner, City of Long Beach, said that there was no opposition to either amendment from area residents.

Louis Beeli, 113 Covina Avenue, stated that area residents needed the amendment to deal with substandard-sized lots and garages in the parking-impacted area.

Kurt Schneider, Belmont Shore Parking Committee, said that Belmont Shore residents were in support of the nonconforming parking rights amendment which they hoped would encourage retail uses and discourage restaurant uses.

Commissioner Winn noted that he had spoken to Mr. Schneider on the phone.

Bill Lorbeer, 185 Glendora, added that the entire community was behind the parking amendment, and regarding the driveway amendment, he felt it could help residents by letting them use their driveways.

Commissioner Rouse said he felt this would also correct the unintended consequences of the original 1999 decision.

Commissioner Rouse moved to recommend that the City Council adopt the amendments to the Zoning Ordinance. Commissioner Sramek seconded the motion, which passed 5-0. Commissioners Greenberg and Stuhlbarg were absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

**M A T T E R S F R O M T H E D E P A R T M E N T O F
P L A N N I N G A N D B U I L D I N G**

Greg Carpenter introduced Jan Ostashay, the City's new Historic Preservation Officer.

Mr. Carpenter also reviewed the items for the next meeting which included an item regarding a store front church, expressing concern that there will be an increase in these type of applications due to code enforcement.

**M A T T E R S F R O M T H E P L A N N I N G
C O M M I S S I O N**

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 4:31pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk